

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -AUGUST 21, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:46 p.m. Vice Mayor Tam led the Pledge of Allegiance.

ROLL CALL - Present: Councilmember deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(07-394) Mayor Johnson announced that Resolutions of Appointment [paragraph no. 07-395] would be heard first and Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections [paragraph no. 07-407] would be continued.

REGULAR AGENDA ITEMS

(07-395) Resolution No. 14140, "Appointing Rod A. Arrants as a Member of the Public Art Commission." Adopted; and

(07-395A) Resolution No. 14141, "Appointing Nielsen Tam as a Member of the Transportation Commission (School District Representative)." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath of Office and presented certificates of appointment to Mr. Arrants and Mr. Tam.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to award Contract in an amount not to exceed \$98,000 [paragraph no. 07-401] and Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 2-19 [paragraph no. 07-402] were removed from the Consent Calendar for discussion.

Regarding the Minutes [paragraph no. \*07-396], Councilmember deHaan made a change to the minutes and Councilmember Gilmore noted that she would abstain from voting on the minutes.

Vice Mayor Tam moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*07-396) Minutes of the Regular City Council Meeting held on August 7, 2007.

Approved with the following change to Page 10: "...a bio-diesel blend would be available." [Note: Councilmember Gilmore abstained from voting on the minutes.]

(\*07-397) Ratified bills in the amount of \$3,590,952.92.

(\*07-398) Recommendation to accept the Quarterly Investment Report for period ending June 30, 2007. Accepted.

(\*07-399) Recommendation to accept the work of Vortex Marine Construction, Inc., for the repair of the Main Street Ferry Terminal Pier. Accepted.

(\*07-400) Recommendation to award a Contract in the amount of \$714,824, including contingencies, to Power Engineering Contractors, Inc., for the Grand Street Sewer Pump Station, No. P.W. 04-07-16. Accepted.

(07-401) Recommendation to award Contract in an amount not to exceed \$98,000, including contingencies, to Moore, Icafino, Goltsman Inc. to provide Master Planning Services for the Alameda Beltline property.

Former Councilmember Barbara Kerr, Alameda, submitted a handout; stated the City does not own or have access to the property; legal settlement could take two years; the money could be more affective in the purchase price; the Request for Proposal (RFP) and plans do not reflect the Northern Waterfront Specific Plan Committee thinking; the Task Force composition should not be the same as the Specific Plan Committee; Council voted twice to have a community driven Task Force; it is time that residents on the north side are considered stakeholders and consulted on the issue.

Mayor Johnson inquired what is the timeframe for the litigation.

The City Attorney responded the matter has just been appealed; stated the Court of Appeal issue will take more than a year to make a decision.

Mayor Johnson inquired whether the issue is now going to the Court of Appeal, to which the City Attorney responded in the affirmative.

Debra Arbuckle, Alameda, stated the project has been going on for a long time; the intended use was a passive open space park; the railroad has been stonewalling the City; the City does not own the property; the matter should be postponed; discussion should take place when the City has the property.

Mayor Johnson inquired whether the City would not receive a decision from the Court of Appeal for at least a year.

The City Attorney responded in the affirmative; stated a year would be optimistic; a decision could take a year and a half.

Mayor Johnson inquired why the matter would take so long.

The City Attorney responded the decision of the Trial Court was reached in November 2006; stated the exact wording of the Judge's order took five or six months; there was a motion for a new trial; the City prevailed on both matters.

Mayor Johnson inquired whether the City is prepared to oppose time extensions and delays from the railroad.

The City Attorney responded in the affirmative; stated an appeal was filed at the end of July; a briefing schedule has not been established by the Court of Appeal.

Vice Mayor Tam inquired whether the appeal process would be affected by engaging in a master planning process that solicits broad community input.

The City Attorney responded it is difficult to say; stated parties should be restricted to the record established at trial; she anticipates that the railroad would review the City's proposed planning activities, read newspaper articles, and bring said information into the mix as to who should get the property.

Mayor Johnson inquired what is the timeframe for receiving public input.

The Recreation and Park Director responded the goal is completion by the end of the year.

Councilmember deHaan inquired whether contamination would have any affect on the characteristic of the land.

The Recreation and Park Director responded the contamination would have an affect on the ultimate placement of amenities; stated the Master Plan would identify the types of amenities; amenities could be interchangeable.

Councilmember deHaan requested an interpretation of what open space would include.

The Recreation and Park Director stated open space could include elements of a passive park with bike trails, picnic areas, and athletic fields.

Councilmember deHaan stated Measure E discussions were headed toward open space being a passive park area.

Mayor Johnson stated that [a passive park area] was not her recollection; inquired what is the status on the possession of the property.

The City Attorney responded the City does not have possession; stated the Alameda Belt Line [ABL] retains title and possession; the City has no right to enter the property without ABL's permission.

Mayor Johnson inquired whether the City has any control of what ABL can do with the property since the City won the Trial Court decision.

The City Attorney responded ABL cannot enter into an agreement to sell the property to someone else; stated improvements would be done at ABL's own risk.

Mayor Johnson requested that staff investigate whether the City has control over what ABL can do to the property; stated ABL should be required to let the City know about any plans so that the City can challenge said plans since the Trial Court decision states that the City has the right to buy the property.

The City Attorney stated she would get back to Council on the matter.

Councilmember Gilmore stated that she hopes the City would be victorious at the appellate level; inquired whether the California Supreme Court has a statutory timeframe to decide whether a cert would be granted or denied.

The City Attorney responded in the negative; stated usually a decision is received within a month to sixty days.

Councilmember Gilmore stated litigation may not be concluded for two and a half to three years.

Councilmember Matarrese stated Council should not act on the matter now; he does not want to jeopardize any chance to get the property.

Councilmember Matarrese moved that the matter be tabled until there is a clearer picture of what is going on in the Courts.

Councilmember Gilmore seconded the motion.

Under discussion, Mayor Johnson stated that she appreciates staff bringing the matter to Council's attention; staff worked on the matter at Council's direction; information will be helpful when the City moves forward on the matter; the entire community needs to be included in planning what is needed.

On the call for question, the motion carried by unanimous voice vote - 5.

(07-402) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 2-19 (Youth Advisory Commission) to Article II (Boards and Commissions) of Chapter II (Administration), Establishing a Youth Advisory Commission and Prescribing Membership and Duties of Said Commission. Introduced.

The Recreation and Park Director gave a brief presentation.

Vice Mayor Tam stated that the administration, operation and staffing would be absorbed in the Recreation and Park Department budget; inquired how much time would be devoted to support the Commission.

The Recreation and Park Director responded the start up time would be more significant; stated the initial phase could require ten to fifteen hours per week; the hours would decrease to approximately five hours per week once everything is up and running.

Vice Mayor Tam inquired how much is estimated for a full time employee.

The Recreation and Park Director responded fifteen hours per week would equate to half of a full time employee and would cost approximately \$35,000 to \$40,000 per year.

Mayor Johnson opened the public portion of the meeting.

Proponents (In favor of the ordinance): Cecilia Martinex, HOME Project; Audrey Lord-Hausman, Alameda Youth Collaborative; Antonio Jimenez, HOME Project; Rachel Reed, Alameda Point Collaborative; Morgan Turner, Alternatives in Action (AIA); Patricia Murillo, AIA; Franklin Hysten, AIA; Alia Sydney Thomas, AIA; Michael John Torrey, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the meeting.

Mayor Johnson stated the language should state that high school age students should live and be students in Alameda and that high school graduates should live in Alameda.

Councilmember Matarrese stated the language should be "and/or" because there are residents who live in Alameda but go to high school elsewhere, and there are students in Alameda schools who are not residents.

Vice Mayor Tam moved introduction of the ordinance.

Vice Mayor Tam stated the Youth Commission should provide input on the type of support needed and ways to partner to secure funding for different policy issues; stated her motion includes the modifications to 2-19.3 on the Qualifications that states that a potential commissioner must be a resident of Alameda and/or attend a school within the City.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Matarrese stated that the Council needs to give specific direction on some of the initial activity.

Mayor Johnson stated a joint meeting could be scheduled.

Councilmember Matarrese stated that the Recreation and Park Department needs to advise Council if more resources are needed.

Mayor Johnson thanked the Recreation and Park Department, Ms. Lord-Hausman, and the Youth Collaborative.

Councilmember deHaan stated youth outreach was not successful with the Community Reuse Plan for Alameda Point because there was not an organized body that could speak for the youth; the Youth Commission would provide a voice.

On the call of the question, the motion carried by unanimous voice vote - 5.

(\*07-403) Ordinance No. 2969, "Authorizing the City Manager to Execute a Lease of Vacant Properties at 2300 Alameda Avenue, 2304 Alameda Avenue, and 1224 Oak Street with Thompson Properties (Lessor) for a City Parking Lot." Finally passed.

(\*07-404) Ordinance No. 2970, "Amending the Community Improvement Plan for the West End Community Improvement Project to Extend Certain Plan Time Limitations by Two Years Pursuant to Senate Bill 1096." Finally passed.

#### REGULAR AGENDA ITEMS

(07-405) Resolution No. 14142, "Supporting a Diplomatic Approach to Ending the Iraq War and Bringing Our Troops Home." Adopted.

Councilmember Matarrese stated that the resolution was discussed on July 3, 2007; tonight's resolution includes additional wording at the advice of Mayor Johnson and Vice Mayor Tam.

Mayor Johnson opened the public portion of the meeting.

Proponents (In favor of resolution): Carl Halpern, Alameda Pease Network; Karen Green, Alameda; Michael John Torrey, Alameda; Pat Flores, Alameda; Noel Folsom, Alameda; Fern Kruger, Alameda Pease Network; Paul Owens, Alameda; Mary Abu-Saba, Alameda Pease Network; Dorothy Kakumoto, Alameda; Gretchen Lipow, Alameda; Ana Rojas, Alameda; Bonnie Bone, Alameda; Debra Arbuckle, Alameda; Susan Sperry, Code Pink; Scott Corkins, Alameda; Paula Rainey, Alameda; Allen Michaan, Alameda; Susan Battaglia, Alameda.

Opponents (Not in favor of resolution): Ed Abbey, Alameda, Richard W. Rutter, Alameda; Robert Wood, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the meeting.

Vice Mayor Tam stated that she supports the resolution; the Council has a responsibility to speak on behalf of the community; Alameda should add its voice to the chorus of the nation by asking federal leaders to bring back federal dollars being spent on the war, bring back precious resources in Iraq, and provide the best possible care to veterans upon their return.

Vice Mayor Tam moved adoption of the resolution.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated that the resolution does not just address the situation with the National Guard leaving the City vulnerable in case of a disaster; the resolution also addresses the issue of the economic hardship that the entire country will face as the bill comes due; federal funds are tax dollars; the war is the wrong war at the wrong time; the war is costing Alameda directly; he does not want to look back in ten to twenty years and say that Alameda sat and did nothing; he has heard that Alameda will become a City like Berkeley; Council passed a resolution in 2003 to urge a diplomatic approach to resolving the issue in Iraq before the country went to war; Alameda did not turn into Berkeley; the resolution would carry more weight than Berkeley with the congressional delegation; read a portion of the resolution.

Councilmember deHaan stated that the first year of the Iraq War had the feeling of the Vietnam War; the voters made a loud statement to elected officials last year; Congress has changed; critical parts have been added to the current resolution; Vietnam War veterans were treated tragically; Alameda could have an opportunity to provide former Coast Guard housing to returning veterans and their families; he hopes the Hospital Board and Board of Education step forward; withdrawal has a draw down period which takes a while; steps need to be taken to move forward.

Mayor Johnson stated that now is the time for Alameda to weigh in on the issue; the soldiers are from Alameda's community; the money comes from Alameda taxpayers for the war; Alameda has a responsibility to express its position on the war; the resolution is very well stated; government needs to step up and support the troops and returning veterans; she supports the resolution.

Councilmember Gilmore stated that the war affects Alameda; one of the country's proudest traditions is the right to speak out against what government is doing from a grassroots position; supporting the resolution will send a message to people in power that it is time



to change the course.

On the call of the question, the motion carried by unanimous voice vote - 5.

(07-406) Public Hearing to consider an Appeal of a Planning Board denial of Use Permit UP06-0010 to extend the hours of operation for fuel sales at the Alameda Valero Gas Station located at 1310 Central Avenue within the R-4 Neighborhood Residential Zoning District. Appellant: L. Zektser and N. Saidian.

The Planner III gave a brief presentation.

Councilmember Gilmore stated the Use Permit was for the auto repair; inquired whether the need for the Use Permit would go away if the auto repair goes away.

The Planning Services Manager responded the Use Permit was for auto repair and restrictions on hours of operation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor or Appeal): Del Blaylock, Alameda; Albert Vierra, San Leandro; Hadi Monsef, Alameda; Susan Battaglia, Alameda; Charles Dempsy, Alameda; Karen Green, Alameda; Leslie Fishbach, Alameda; David Bringman, Pastor of Trinity Lutheran Church; Martin Collins, Trinity Lutheran Church; Eric Scheuermann, Alameda; Joseph Zadick, Appellant (submitted handout); Allen Michaan, Alameda.

Opponents (Not in favor of appeal): Philip Gravem, Alameda; Tim Underwood, Alameda; Gordon Newell, Alameda; Patricia Kinzel, Alameda; Mariusz Krubnik, Alameda; Donna Gravem, Alameda; Dorota Krubnik, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson requested that staff review the timing of the signals at the intersection; stated the requested hours are reasonable; the owners are offering to close the repair shop on Saturdays; the trade is reasonable; parking is made available to people on Sundays; the gas station has a service component which was lost with the closing of the Weber Chevron gas station on Otis Drive.

Councilmember Gilmore stated that she recalls a discussion regarding Public Works and CalTrans working together with Franklin

School on a Safe Routes to School; inquired whether said issue affects the intersection.

The Community Development Program Manager responded the intersection upgrade is at Paru Street and Encinal Avenue near Jay's Coffee Shop.

Vice Mayor Tam stated that the Planning Board denied the extension of hours because the additional hours would increase by 38%; inquired whether Council has the discretion to decide how many hours are too much.

The City Attorney responded the question of whether a use is expanded is a factual question first; a non-conforming use cannot be expanded once a factual determination has been reached that there is an expansion of use.

Mayor Johnson stated that the question is whether a change is an expansion of use; there is a balance if the owners close the auto repair in exchange for additional gas station hours.

The City Attorney stated the request can be granted if a factual determination is made that there is no net increase or net expansion; the Municipal Code states that non-conforming uses cannot be expanded.

Councilmember Matarrese stated that a mini mart or increased square footage would be an expansion; inquired whether the Municipal Code distinguishes between expansion and intensification of an existing use within a Use Permit.

The City Attorney responded there is no express distinction in the Municipal Code; stated a mini mart or increased square footage would be prohibited; the Planning Board made a factual determination that the additional hours would result in an increase in use.

Councilmember Matarrese stated a new condition is the Applicant's intent to reduce the sale of diesel.

Councilmember Gilmore stated in 1974 the property was rezoned to R-4; the gas station operated as a gas station with no restrictions on hours; the owners wanted to do repair services in 1992; a Use Permit was required; inquired why the Appellants would still need a Use Permit if the auto repair is removed.

The Planning Services Manager responded unlimited hours of

operation would be an expansion of use.

Councilmember deHaan stated that auto repair is a different use.

Councilmember Gilmore stated that restrictions were enacted [or put in place] because the auto repair service was considered to be noisier and more intensive.

Councilmember deHaan stated that equations have changed drastically with gas stations; additional hours would be beneficial to the business; the gas station has grown.

Councilmember Matarrese inquired whether the gas station had no repair service between 1974 and 1992.

The Planning Services Manager responded he did not know.

Councilmember Matarrese stated business conditions have changed; he would be concerned if the gas station closed; inquired whether diesel sales would be eliminated; further inquired how many diesel pumps are at the station.

Mayor Johnson stated the Appellants would not have been given a Use Permit if the gas station were not a permitted use in R-4.

The Planning Services Manager stated all gas stations in Alameda have Use Permits.

In response to Councilmember Matarrese inquiry, the Appellant responded the gas station has four diesel pumps; stated all four pumps would be eliminated.

Councilmember deHaan inquired whether the diesel pumps have been a major volume of the gas station's business, to which the Appellant responded the diesel pumps provide approximately 20% of the business.

Councilmember deHaan inquired how often trucks come in to fill the diesel pumps.

The Appellant responded the same trucks fill the pumps for gas and diesel.

Councilmember deHaan inquired what is the likelihood of the gas station becoming a discount gas station.

The Appellant responded the gas station is already a discount

station because gas prices are less.

Councilmember deHaan inquired whether volume is important, to which the Appellant responded in the affirmative.

Councilmember Gilmore stated that Use Permits run with the land, not the operator; the current owners took over the gas station and asked for an extension of hours when she was on the Planning Board; the previous owner caused a lot of problems for the neighborhood; the Use Permit was denied because the Planning Board thought that the current owners had not proven themselves yet; the owners requested an extension of hours three years later; the neighborhood complained; the current owners have established a good record for keeping the place clean and controlling noise; the Planning Board voted to extend the hours and were overturned on appeal by the City Council; she has a lot of sympathy for the owners; the owners could decide to sell the business; she might be more sympathetic to extend the hours if there was a review period.

Councilmember Matarrese inquired whether Council could grant the additional hours with a condition that the Use Permit could be revoked if there was abuse.

The City Attorney responded some unwanted burdens could be drafted into the conditions; stated a trial period could be established.

Mayor Johnson stated that she likes Councilmember Matarrese's suggestion [revoking the Use Permit if abused occurs].

Councilmember Gilmore stated the current owners have been under a trial period; neighborhood impacts of extending the hours are unknown; the matter should be reviewed after a period of time.

Councilmember Matarrese stated Council could require a review in six months and also provide a clause that would allow Council to have the ability to revoke the Use Permit if abuse occurs.

Councilmember deHaan inquired what is the condition of the intersection.

The Planning Services Manager responded he does not know the Level of Service; stated the intersection is not critical.

Councilmember deHaan stated the intersection is very accident prone.

The Planning Services Manager stated problems at the intersection

are not due to congestion.

Councilmember deHaan stated that he would like to have the Public Works Department and transportation specialists review the issue; additional hours might create an impact at the intersection and should be reviewed.

Councilmember Gilmore stated the owners are proposing to eliminate four diesel pumps and auto repair service hours on Saturdays; a six-month review is needed in addition to reviewing the traffic impact at the intersection; the Use Permit should include language regarding revocation upon abuse of conditions.

Councilmember deHaan stated that latitude is needed if owners change; he would be very concerned if ownership changed to a company owned gas station that was dedicated to high volume.

Councilmember Gilmore stated traffic impacts should also be included.

Mayor Johnson stated that traffic impacts could be covered in the condition for revocation; the site is not large enough to accommodate a lot of pumps.

Councilmember Matarrese moved approval of granting the extension of hours with the condition that there will be a six-month evaluation period to address traffic and operational impacts and that Council has the ability to revoke the Use Permit if conditions are abused or neighborhood deterioration occurs, regardless of the owner.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan stated the goal to get back to residential zoning is important.

The City Attorney stated a resolution would be drafted that reflects Council's action tonight; said resolution would be brought back to Council as a consent item.

Councilmember Matarrese requested that the resolution include language that the removal of four diesel pumps constitutes a different condition than what the Planning Board evaluated.

Councilmember deHaan stated the resolution should contain language noting that the repair activity is light.

Councilmember Matarrese stated the resolution should have a

revocation clause that states that the Use Permit can be revoked if there is abuse or deterioration.

On the call for the question, the motion carried by unanimous voice vote - 5.

Councilmember Matarrese stated the issue would not go away as long as there is a gas station with a non-conforming use in a residential zone, which is the burden of having neighborhood commercial districts.

Mayor Johnson stated that Council would not allow a gas station to be developed if the site was empty; Alameda is an old City that needs to deal with adjacent residential and business areas.

(07-407) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections of Chapter II (Administration), to Address the Transportation Commission's Purpose and Authority, Repealing and Amending Various Sections of Chapter VIII (Traffic, Motor Vehicles and Alternative Transportation Modes), and Chapter XII (Designated Parking) to Reassign the Powers and Duties of the "Technical Transportation Team" to the Public Works Director and the Chief of Police, and Also Designate the Transportation Commission as the Initial Hearing Body for the Administration of Operational Issues Associated with All City Transportation.  
**Continued to October 2, 2007.**

(07-408) Recommendation to authorize government delegation to Wuxi, China to attend Sister City forum and designate the Mayor or other members of the City Council to lead the delegation.

The Community Development Program Manager gave a brief presentation.

Cynthia Wasko, Social Services Human Relations Board [SSHRB] President, provided the itinerary and information regarding the process for attending the trip.

Stewart Chen, SSHRB Sister City Work Group Chair, stated the trip would provide a good opportunity to showcase Alameda.

Susan Battaglia, Alameda, inquired whether the City would be paying for the trip, to which Mayor Johnson responded in the negative.

Mayor Johnson stated Alameda has sister cities in Sweden and Japan and a Friendship City in El Salvador.

Councilmember deHaan inquired what other delegations would be participating, to which Mr. Chen responded he would provide a list.

The Community Development Program Manager stated the recommendation is to accept the invitation and allow the SSHRB to determine the official delegation and permit the SSHRB to finalize the trip details.

Councilmember Matarrese moved approval of accepting the invitation and authorizing the SSHRB to determine the delegation.

Vice Mayor Tam seconded the motion.

Under discussion, Vice Mayor Tam inquired whether Council needs to accept the invitation to exempt the cost of the trip from being subject to disclosure under the Fair Political Practices Commission.

The City Attorney responded in the affirmative; stated some of the trip related costs are being funded by the Wuxi government; attendees would not need to claim the trip costs on the Form 700 as long as Council takes an official action to accept the invitation and takes some action to identify who would attend.

On the call for the question, the motion carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL COMMUNICATIONS

(07-409) Councilmember deHaan stated that more than 800 units are being built at the Gateway Project on the Oakland side of the estuary near the Park Street corridor; most of Alameda's intersections are at F condition during peak hours; said build out needs to be addressed.

(07-410) Mayor Johnson stated that Vice Mayor Tam requested a Charter review at the last Council meeting; requested that a Council sub-committee be formed and appointments be brought back for consideration at the next Council meeting.

Councilmember Matarrese stated that a Charter review is most appropriately directed to the City Attorney; suggested that said matter be assigned to the City Attorney and City Clerk.

Vice Mayor Tam stated that she requested staff to come back with guidelines and parameters for forming a Charter Review Committee.

The City Attorney stated a memo is being drafted and could be provided as a staff report for the next agenda.

(07-411) Councilmember Matarrese requested clarification on the Strategic Planning and Prioritization Project; stated he is unclear on the consultant's scope of work and cost; requested a report from the City Manager; Council should review and discuss the report before the first workshop, which is tentatively scheduled for September 11; he would like the matter placed on the September 4 Council meeting agenda.

The City Manager stated the matter would be placed on the Council agenda prior to the workshop.

(07-412) Councilmember Matarrese stated that he attended a State Senate Committee hearing on water transportation; the Ferry Services Manager also attended; handouts were provided; the Ferry Services Manager will be providing a report to Council on deliberations of the meeting; the ferries would not be damaged by a big earthquake; he would like to revisit the discussion held a year ago regarding funds that are accessible to the Water Transportation Authority, but not the City.

The City Manager stated staff is in the process of providing a report on the matter.

#### ADJOURNMENT

(07-413) There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:43 p.m. in a moment of silence for Vice Mayor Tam's father, Thay Tam.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -AUGUST 21, 2007- -6:30 p.m.

Mayor Johnson convened the Special Meeting at 6:45 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,  
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-392) Conference with Legal Counsel - Existing Litigation  
(54953.9); Name of Case: Harbor Bay Isle Associates v. City of  
Alameda.

(07-393) Conference With Legal Counsel - Anticipated Litigation;  
Significant exposure to litigation pursuant to Subdivision (b) of  
Section 54956.9; Number of cases: One.

Following the closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that regarding Existing Litigation,  
Council gave direction to Legal Counsel and authorized budget for  
defense; regarding Anticipated Litigation, Council gave settlement  
direction to Legal Counsel.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.